

Memorandum of common provisions

Restrictive covenants in a plan

Section 91A Transfer of Land Act 1958

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Lodged by	
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This memorandum contains provisions which are intended for inclusion in plans under the Subdivision Act 1988 to be subsequently lodged for registration.

Provisions to apply to the plan:

Burdened land:	As set out in the plan.
Benefited land:	As set out in the plan.
Covenants:	
CREATION OF RESTRICTION 1	
Upon registration of plan of subdivision 722310J the following restriction is to be created as directed in Planning Permit PInA01047/15.A issued by the City of Casey.	
Description of Restriction:	
1. The registered proprietor or proprietors for the time being of a burdened lot to which this restriction applies shall not:	
(a) Construct or cause or permit to be constructed any building or structure on a lot containing a building envelope on the MCP Diagram below outside the building envelopes as noted on the MCP Diagram below other than,	
i. a porch, portico or veranda no more than 3.6 metres in height and encroaching no more than 1.0 metre into the Front Setback Zone;	
ii. deck, steps or landing no more than 500mm in height encroaching no more than 1.0 metre into the Front Setback Zone;	

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1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in plans.

91ATLA

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THE BACK OF THIS FORM MUST NOT BE USED

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- iii. a pergola, eaves, fascia and/or gutters encroaching no more than 1.0 metre into the Front Setback Zone;
- iv. a balcony not more than 4.5 metres high encroaching no more than 1.0 metre into the Front Setback Zone;
- v. encroachments into the nominated Side and Rear Setback Zone as provided for under Regulation 79(4) of the Building Regulations 2018 except to where a wall is on a boundary,

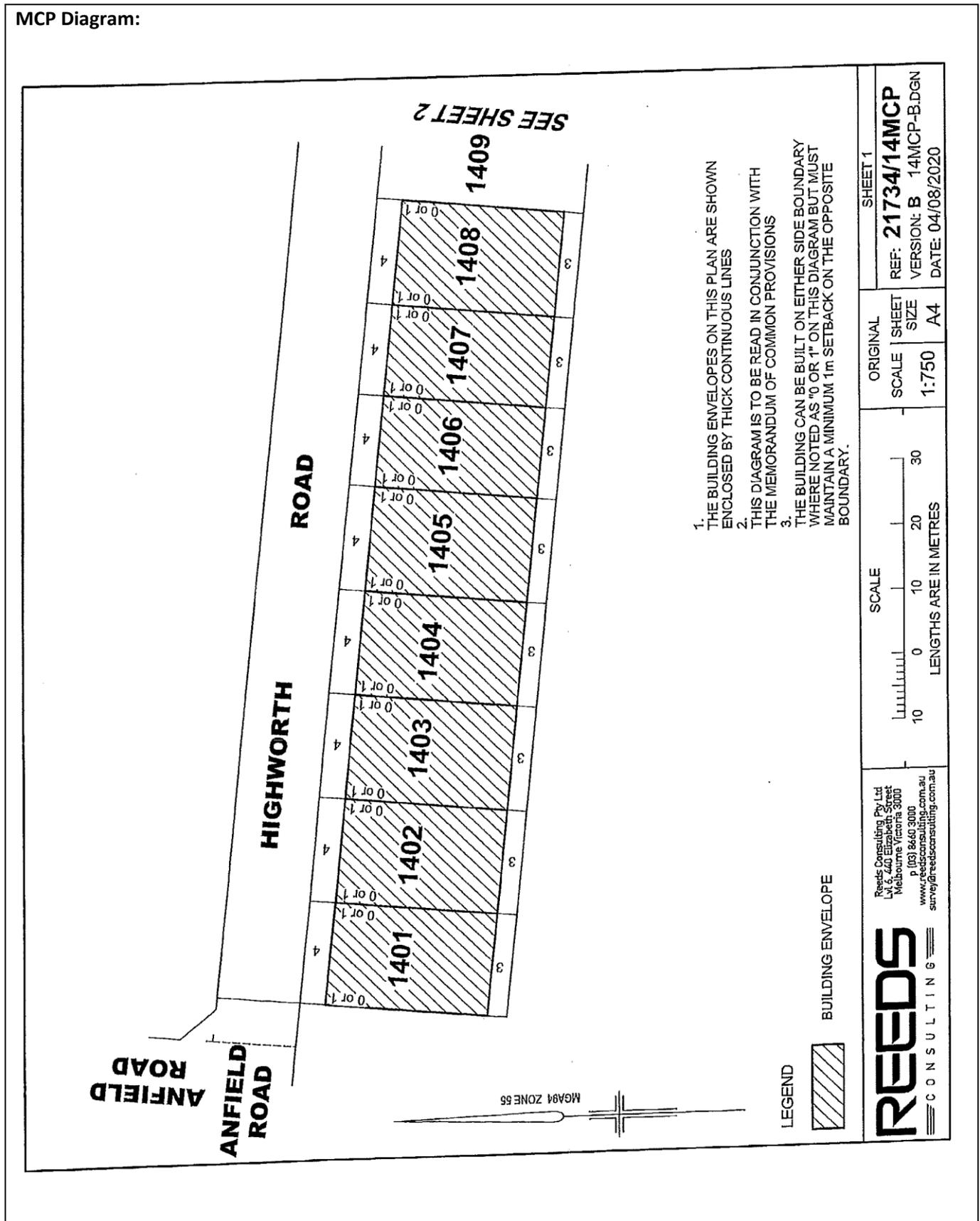
unless with the written consent of the Responsible Authority.

Further setback restrictions may apply where a Lot is affected by an easement or easements.

- (b) Construct or cause or permit to be constructed any garage openings which occupy more than 40% of the width of the primary frontage, unless the building is two or more storeys and on a lot with an area of 250 to 300 square metres whereby the garage opening must not exceed 30% of the area of the front façade of the dwelling with the area of the front façade measured from a two dimensional elevation plan of the façade excluding the area of the roof of the dwelling.
 - (c) Construct or cause or permit to be constructed any garages or carports to be setback less than 5.5 metres from the primary frontage, or, in special circumstances where lots are identified on the building envelope within an associated plan of subdivision as having an alternative garage setback whereby garages on those lots must not be setback between 3 and 5 metres from the primary frontage.
 - (d) Construct or cause or permit to be constructed any front fencing and, on side boundaries, construct or cause or permit to be constructed any fencing between the Front Boundary and the point that is 5 metres from the Front Boundary of any residence on the lot.
2. The *Building Act 1993* including regulations and other instruments made under it and including consolidations, amendments, re-enactments, or replacements of any of them applies to all matters not addressed in this Restriction.

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MCP Diagram:

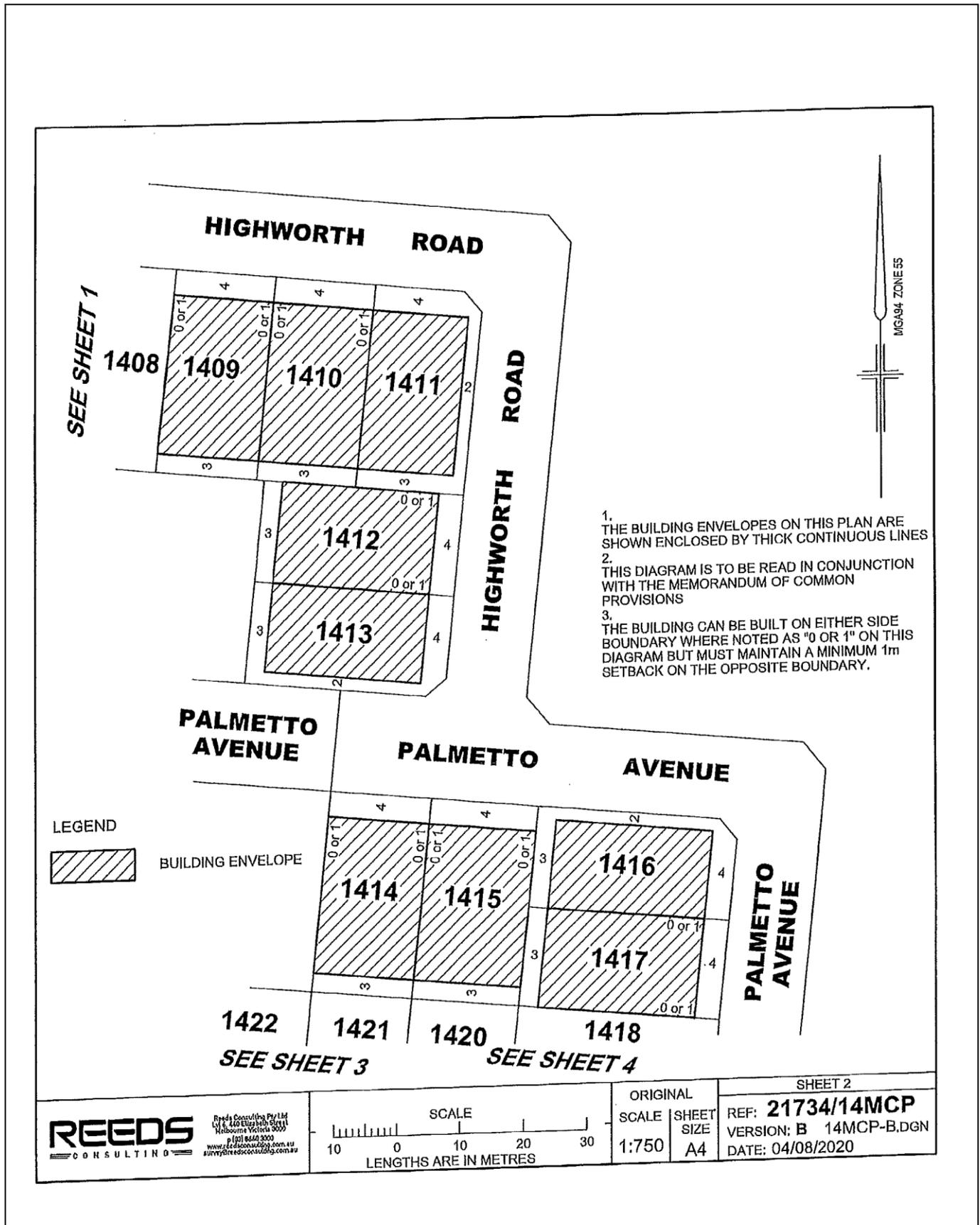


1. THE BUILDING ENVELOPES ON THIS PLAN ARE SHOWN ENCLOSED BY THICK CONTINUOUS LINES
2. THIS DIAGRAM IS TO BE READ IN CONJUNCTION WITH THE MEMORANDUM OF COMMON PROVISIONS
3. THE BUILDING CAN BE BUILT ON EITHER SIDE BOUNDARY WHERE NOTED AS '0 OR 1' ON THIS DIAGRAM BUT MUST MAINTAIN A MINIMUM 1m SETBACK ON THE OPPOSITE BOUNDARY.

SHEET 1	
ORIGINAL SCALE	REF: 21734/14MCP
SHEET SIZE	VERSION: B 14MCP-B.DGN
1:750	DATE: 04/08/2020
<p>LENGTHS ARE IN METRES</p>	
<p>REEDS CONSULTING</p> <p>Reeds Consulting Pty Ltd Level 20, 100 Collins Street Melbourne Victoria 3000 P (03) 8440 3000 www.reedsconsulting.com.au survey@reedsconsulting.com.au</p>	

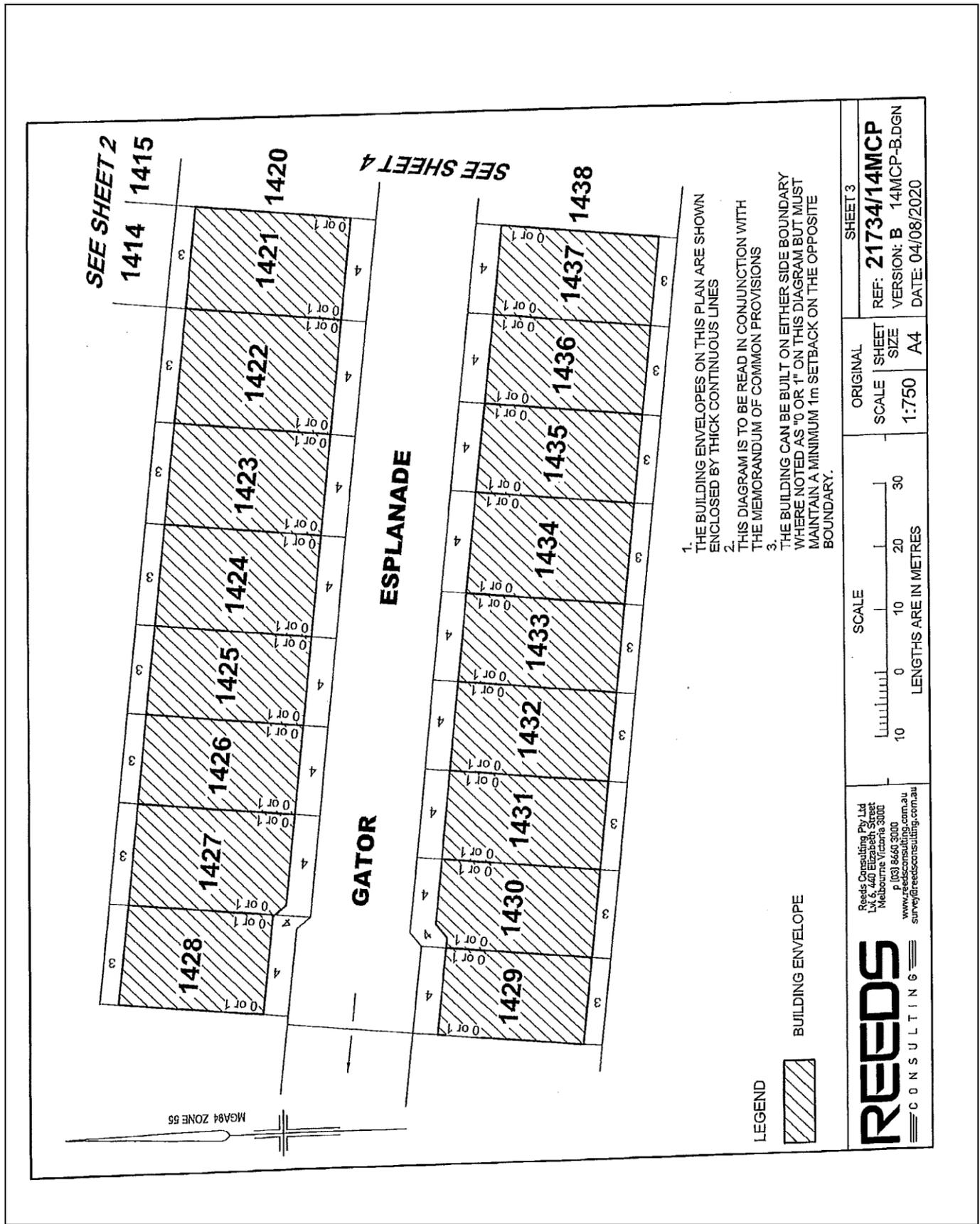
Casey Planning Scheme Endorsed in accordance with condition(s) 10 on 06/09/2023 under Permit No. PlnA01047115 (App Ref PSEC23-0227) Sheet 3 of 8 by nfelstead

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Casey Planning Scheme Endorsed in accordance with condition(s) 10 on 06/09/2023 under Permit No. PlnA01047115 (App Ref PSEC23-0227) Sheet 4 of 8 by nfelstead

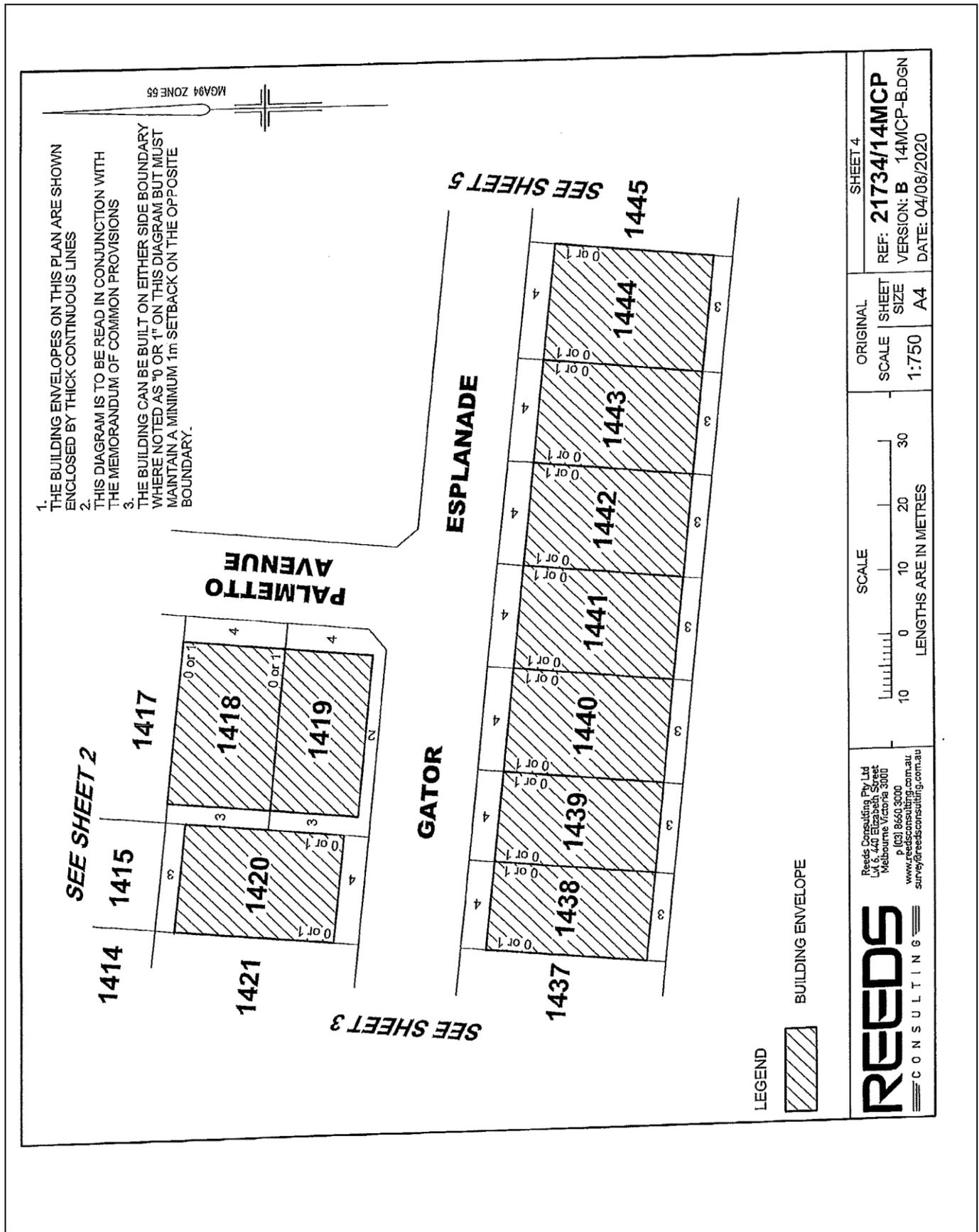
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SHEET 3	
ORIGINAL SCALE	SHEET SIZE
1:750	A4
<p>LENGTHS ARE IN METRES</p>	
<p>Reeds Consulting Pty Ltd Lvl 6, 470 Elizabeth Street Melbourne Victoria 3000 p (03) 8660 3000 www.reedsconsulting.com.au survey@reedsconsulting.com.au</p>	
<p>REEDS CONSULTING</p>	
<p>REF: 21734/14MCP VERSION: B 14MCP-B.DGN DATE: 04/08/2020</p>	

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LEGEND

 BUILDING ENVELOPE

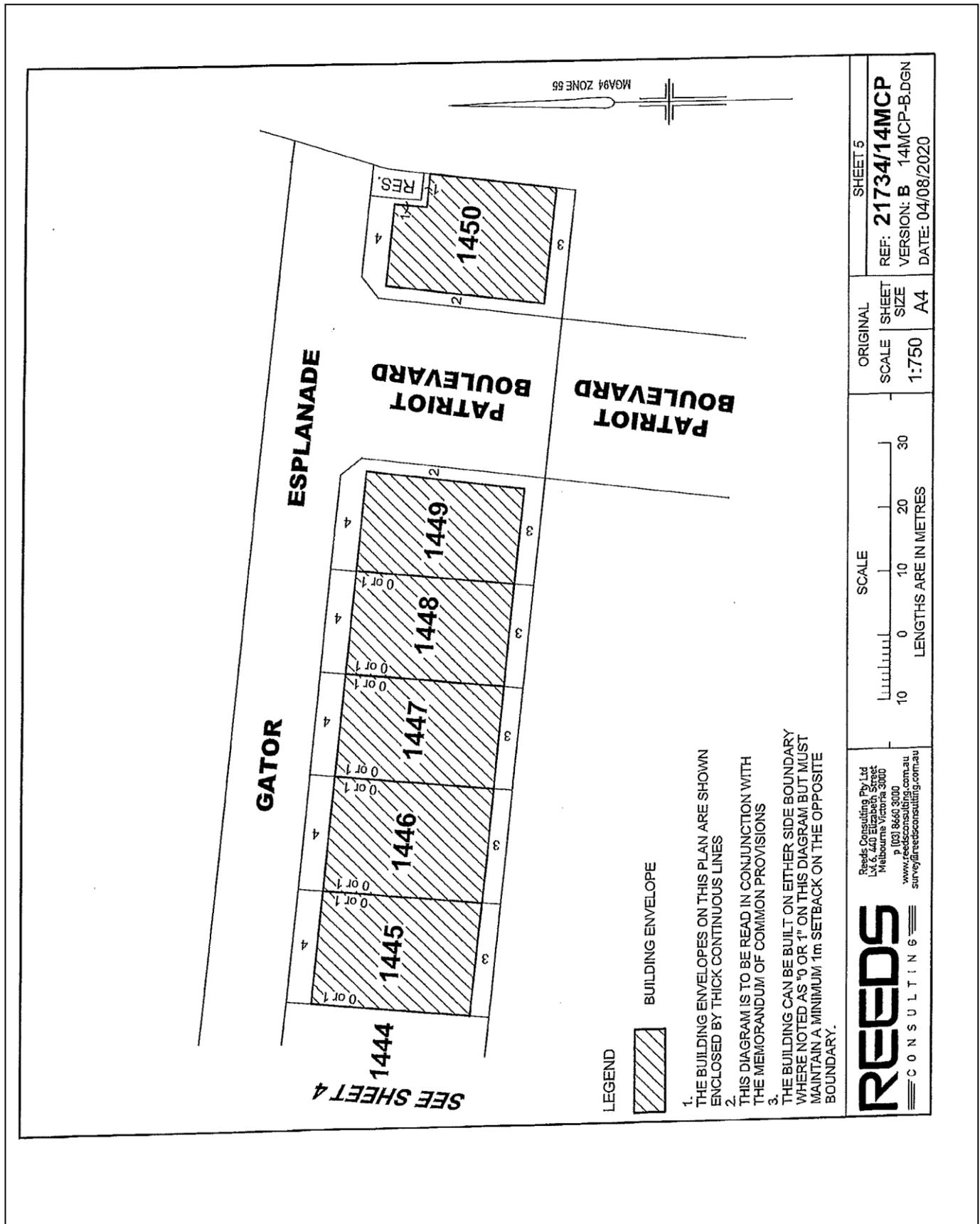
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 survey@reedsconsulting.com.au



ORIGINAL SCALE	SHEET SIZE	SHEET 4
1:750	A4	REF: 21734/14MCP
		VERSION: B 14MCP-B.DGN
		DATE: 04/08/2020

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CREATION OF RESTRICTION 2

Upon registration of plan of subdivision 722310J the following restriction is to be created as directed in Planning Permit PInA01047/15.A issued by the City of Casey.

Description of Restriction:

1. The registered proprietor or proprietors for the time being of a burdened lot to which this restriction applies shall not:
 - (a) Unless with the written approval of S & N Super Fund Pty Ltd, commence construction of a dwelling or outbuildings on any burdened lot in this plan.
 - (b) Unless with the written approval of S & N Super Fund Pty Ltd, commence construction of a dwelling or outbuildings on any burdened lot in this plan other than in accordance with the Berwick Waters – Mondous Island Design Guidelines, which means the Design Guidelines endorsed under the Planning Permit PInA01047/15.A, as amended from time to time.
2. S & N Super Fund Pty Ltd means S & N Super Fund Pty Ltd or a person, company or group nominated by S & N Super Fund Pty Ltd.

Expiry:

As set out in the plan (if applicable).